

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GERORD ROBINSON,

Petitioner,

Case No. 14-cv-10617

v.

UNITED STATES DISTRICT COURT JUDGE  
GERSHWIN A. DRAIN

KEN ROMANOWSKI,

Respondent.

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**OPINION AND ORDER DENYING PETITIONER’S MOTION FOR  
RECONSIDERATION [# 24]**

Gerord Robinson, (“Petitioner”), filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, which was summarily dismissed because it had been filed outside of the one-year statute of limitations contained in 28 U.S.C. § 2244(d)(1) for filing habeas petitions. *Robinson v. Romanowski*, No. 2:14-CV-10617, 2014 WL 5480808 (E.D. Mich. Oct. 29, 2014); *app. dismiss.* No. 14-2590 (6th Cir. May 19, 2015); *cert. den.* 136 S. Ct. 803 (2016). Petitioner has since been denied permission by the Sixth Circuit to file a successive habeas petition. *In Re Robinson*, No. 15-1599 (6th Cir. Dec. 18, 2015).

Petitioner filed a Rule 60(b) motion for judgment, claiming that this Court erred in failing to apply the prison mailbox rule to the date that petitioner signed his state post-conviction motion for relief from judgment, which would have rendered his petition timely. This Court denied that motion.

Presently before the Court is Petitioner's Motion for Reconsideration. Dkt. No. 24. For the reasons that follow, the Court will deny Petitioner's Motion.

Under this Court's Local Rules, the Court may not grant a motion for reconsideration that merely presents the same issues upon which the Court has already ruled. E.D. Mich. LR 7.1(h)(3) (E.D. Mich. July 1, 2013). Additionally, the movant must demonstrate that there is a palpable defect in the opinion or order under attack and that correcting the defect will result in a different disposition of the case. *Id.*; *Indah v. U.S. S.E.C.*, 661 F.3d 914, 924 (6th Cir. 2011). "A 'palpable defect' is a defect which is obvious, clear, unmistakable, manifest, or plain." *Hawkins v. Genesys Health Sys.*, 704 F. Supp. 2d 688, 709 (E.D. Mich. 2010) (quoting *Ososki v. St. Paul Surplus Lines Ins. Co.*, 162 F. Supp. 2d 714, 718 (E.D. Mich. 2001)).

Petitioner's Motion for Reconsideration presents issues which this Court previously ruled upon—either expressly or by reasonable implication. This Court ruled on the issues present in Petitioner's Motion when it summarily denied the petition for writ of habeas corpus and later when the Court denied the Rule 60(b)

motion for relief from judgment. Thus, a Motion for Reconsideration is not properly brought before this Court. *See Whitehouse Condo. Grp., LLC, v. Cincinnati Ins. Co.*, 959 F. Supp. 2d 1024, 1031 (E.D. Mich. 2013).

The Motion for Reconsideration [Dkt. No. # 24] is DENIED.

SO ORDERED.

Dated: August 10, 2018

s/Gershwin A. Drain  
HON. GERSHWIN A. DRAIN  
United States District Court Judge

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 10, 2018, by electronic and/or ordinary mail.

/s/ Teresa McGovern  
Deputy Clerk